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11 Attorneys for Defendant
12 Argosy Education Group, Inc.
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16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19
20 BORIS PORKOVICH and SUSAN
21 LOPEZ,

22 Case No. C05-04506 MMC

23 Plaintiffs,

24 vs.
25 ARGOSY EDUCATION GROUP, INC.,
26 and DOES 1-10,

27 STIPULATION AND ORDER VACATING
28 MOTIONS FOR REMAND AND FEES
AND MOTION TO DISMISS PLAINTIFF'S
SECOND CAUSE OF ACTION
AND ORDER OF DISMISSAL

29
30 Defendants.

31 Date: Jan. 6, 2006
32 Time: 9:00 am
33 Courtroom: 7, 19th Floor

34 [E-Filing]

35
36 THE PARTIES HEREBY STIPULATE AND AGREE TO THE FOLLOWING:

37
38 WHEREAS the parties to this action have reached an oral settlement and are currently
39 working on the terms of a written settlement agreement.

40
41 IT IS HEREBY STIPULATED that the parties, by stipulating below, wish to vacate
42 both hearing dates presently set on January 6, 2006 at 9:00 a.m. in Courtroom 7 on the following
43 motions: (1) Plaintiff's Motion for Remand and for Fees Pursuant to 28 U.S.C. §1447(c); and (2)

1 Defendant's Motion to Dismiss Plaintiff's Second Cause of Action.

2 **IT IS FURTHER STIPULATED** that all future dates on the Court's docket in this matter
3 be removed.

4 Dated: December 3, 2005
5 *[Signature]*

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

6 By: Donna M. Rutter
7 Donna M. Rutter
Geoffrey M. Hash

8 Attorneys for Defendant
9 ARGOSY EDUCATION GROUP, INC.

10 January 3, 2006
11 Dated: December 3, 2005

12 LAW OFFICES OF KYRA A. SUBBOTIN

13 By: Kyra Subbotin
14 Kyra A. Subbotin

15 Attorney for Plaintiffs
16 BORIS PORKOVICH AND SUSAN LOPEZ

17 **ORDER**

18 **IT IS SO ORDERED:** and the action is DISMISSED, without prejudice; provided that if
19 any party certifies, within 90 days, that the agreed consideration for the settlement has
20 not been delivered over, this Order shall be vacated.

21 Dated: January 4, 2006

22 The Honorable Maxine M. Chesney

Maxine M. Chesney

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STIPULATION AND ORDER REGARDING PLAINTIFF'S MOTION FOR
REMAND AND DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND
CAUSE OF ACTION; CASE NO. C05-04506 MMC